

Patent Application Serial No. 09/926,697

REMARKS

(1) The withdrawn claims are canceled without prejudice to reentry.

(2) Claims 47 and 51 were rejected under 35 U.S.C. §101. This rejection is respectfully traversed for the record; however, the claims all now recite a risk care business system, which previously was recited only in dependent claim 52. Claim 52 was not rejected under § 101. Therefore, the other claims include the statutory subject matter of claim 52, the present amendment is believed to be moot.

(3-4) All the claims are rejected under 35 U.S.C. §112, second paragraph, for "sheet." The Examiner states that the sheet could be a sheet of paper or a computer display, and states that she is examining on the basis of a sheet of paper or the like. The Examiner also points out the recitations of "processing part," which is taken to imply a computer. The Examiner states that she is examining on the basis of a sheet of paper or the like.

The phrase "processing part" is now removed from the claims and the rejection is believed to be moot. The rejection is respectfully traversed for the record.

(5-6) Claim 47 is rejected under 35 U.S.C. §102(b) as being anticipated by Dewey, US 5,084,819. This rejection is respectfully traversed.

Amended claim 47 recites:

A risk care business system, comprising:

an oral disease risk improvement sheet, said sheet including a surface further

comprising:

a risk estimation part and a risk avoidance measure presentation part:

(a) wherein said risk estimation part includes

a data gathering part that displays a current presence/absence of a plurality of risk factors and an answers section corresponding to the risk factors;

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a judgement criteria part that stipulates an unequivocal correlation between the answers and preset risk values;

a risk judgement part provided with a judgement section for recording the risk values for the risk factors converted from the answers of the answers section and space for calculating an overall risk value by arithmetic; and

an overall risk display part provided with an overall risk judgement criteria section that unequivocally stipulates an overall risk allocated to one of a plurality of preset levels from the overall risk value, an overall risk display section that displays an overall risk showing a risk level of an examinee, and an explanation section that explains the risk level, and

(b) wherein said risk avoidance measure presentation part includes

a risk avoidance measure display part in which are shown a necessity of re-examination and a time of re-examination;

a guidance display section in which are displayed guidance contents for guiding lifestyle habits so as to reduce the risk, and a means display section in which are displayed tools effective for carrying out the risk improvement in accordance with a guidance of said guidance display section; and

an improvement possibility display part.

The Examiner applies Dewey's Fig. 3, showing an "optically readable" card 18 (also called a "data collection form 18") for use with an optical reader (col. 2, line 16). Dewey's system can be used by people who are "computer phobic" or dislike entering data on a screen (col. 1, lines 33-36). The "answers" portion of the card, which is applied by the Examiner, has no divisions or sections.

Granting for argument's sake that the Examiner is correct in asserting that the answers portion of the card 18 anticipates the claimed data-gathering part, this is still only one area out of the six claimed. The Examiner applies, against the other claimed parts of the sheet surface, the

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results of computer operation on the data entered on Dewey's card 18. None of these results corresponds to any area of the card 18 (which, as noted, has no internal sections or divisions). The user only enters questionnaire data on the card 18, and then it is scanned (col. 4, lines 53-58); that is the only use of the card 18.

The Examiner applies Table 5 against every claimed part. This Table 5 is a printout from "report generator 40" (col. 7, lines 64-68), which in turn is a portion of boxy "enclosure 12" of "system 1" in Fig. 1 (col. 2, lines 63-66; col. 3, lines 9-21). The box 12 apparently contains a computer. Fig. 1 shows a report 20 (col. 3, line 30), which, it would appear, contains the subject of Table 5. In addition, there are "instructions 22" which guide the user through "step by step operation of the system [10]."

Thus, there are three distinct "sheets" in Dewey, but, according to the rejection itself, the various parts claimed by the Applicant are on two different sheets. This is contrary to the claimed recitation of "a sheet" with those parts.

Furthermore, sheet 20 appears to comprise no sub-areas, but the rejection applies Table 5 (which is, apparently, what is written on sheet 20) against many different sub-areas ("parts"). Even if the sheets 20 and 18 were incorrectly considered to anticipate "a sheet," there would still be only two sub-areas or parts.

Still further, the Applicants' parts are classified into a risk estimation part and a risk avoidance measure presentation part, but these broader classifications are not addressed by the rejection.

Thus, the reference does not disclose *each* of:

- a data gathering part (A11, Fig. 1, left);
- an answers section (A12);
- a judgement section (A31);
- a risk judgement part (A3);

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- an overall risk display part (A4, Fig. 2) provided with a risk judgement criteria section (A21);
- an overall risk display section (A41);
- a risk avoidance measure display part (B1);

and therefore does not anticipate. Withdrawal of the rejection is requested.

(7-8) Claims 51 and 52 are also rejected under 35 U.S.C. §103(a) as being obvious over Dewey in view of Connelly.

Connelly discloses treating higher-risk patients with higher drug doses than lower-risk patients (e.g., col. 9, lines 48-54). In the applied text of columns 9-10, Connelly discloses applying fluoride in amounts based on risk. The risk is determined by the number of caries-causing bacteria (col. 12, line 44).

Connelly does not use the word “sheet” (nor does the word “paper” appear, except once in reference to a publication, rather than to a sheet of paper, at col. 1, line 43). The word “surface” only appears in relation to teeth and substrates, not in relation to any information-bearing area. The word “data” appears once, in, “The mechanism of action of fluoride is not completely understood, despite a large body of epidemiological data.”

Not only does Connelly fail to disclose the sub-areas claimed by the Applicants, it fails to disclose anyplace for the sub-areas to appear. Thus, Connelly does not anticipate.

Because neither of the references discloses the subject matter of the base claim, not combination could render the base claim obvious. The dependent claims are allowable by their dependence from the allowable base claim.

(9) The Examiner is thanked for the considered response to the Applicants’ earlier arguments.

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Allowance is requested.

Respectfully submitted,

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